

ITEM NO. 14

April 20, 2007

ERRATA SHEET

Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement for  
Subsurface Disposal System Use

Dennis Gerdes  
26855 Canyon Drive, Idyllwild, Riverside County, APN 561-094-007

(Language added is **shaded**)

(Language deleted is ~~struck out~~)

1. Page 2 of 2, staff report, add the following to the end of the 2nd paragraph as follows:

The intent of distinguishing between additions that are attached to existing dwellings and freestanding structures was to guard against the use of the freestanding structure as a second single-family residence on the property. **The purpose of the garage/art studio is to provide parking for their vehicles and an art studio for Mrs. Gerdes. Mrs. Gerdes is an artist who paints and sculpts. This art studio will provide a convenient area for her projects, and the bathroom is for her convenience during her work in the art studio. Mr. and Mrs. Gerdes have assured staff that the garage/art studio will not be used as a second dwelling.**

2. Page 2 of 2, staff report, add new paragraph between the third paragraph and recommendation as follows:

**On April 17, 2007, Board staff conducted a site inspection and it was noted that the existing 676 square foot house has only 1 toilet (water closet), 1 sink and a kitchen sink. The proposed garage/art studio will include a toilet and a sink. The total of the proposed plumbing fixtures and existing plumbing fixtures is comparable to those allowed for a single family dwelling unit as specified in the minimum lot size requirements.**

3. Page 2 of 2 of staff report, revise recommendation as follows:

**Deny Approve** Mr. and Mrs. Gerdes request for an exemption from the minimum lot size requirements for the use of a second free standing structure (garage/art studio) utilizing a septic system **provided the following conditions are met:**

- Only one toilet and one sink will be installed in the garage/art studio;
- Only domestic wastes shall be discharged into the septic tank-subsurface disposal system.
- The garage/art studio will not be used as a second dwelling unit.

California Regional Water Quality Control Board  
Santa Ana Region

April 20, 2007

ITEM: 14

SUBJECT: Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement for Subsurface Disposal System Use – Dennis and Darcy Gerdes, 26855 Canyon Drive, Idyllwild, Riverside County, APN 561-094-007

DISCUSSION:

On February 28, 2007, Dennis Gerdes contacted staff requesting approval for the use of a second structure utilizing a septic tank-subsurface disposal system at the above-referenced site. Mr. and Mrs. Gerdes reside in a 1-bedroom, 1-bath house located at the site. An existing subsurface disposal system is utilized for the discharge of sanitary wastes from the house. The property is just under one-half acre in size (18,731 sq. ft. or 0.43 acre net). This area of the County is unsewered and on-site septic tank-subsurface disposal systems are utilized for disposal of sanitary wastes.

Mr. and Mrs. Gerdes propose to construct a detached garage and art studio above this garage. A toilet and sink are proposed to be included in the art studio. Mr. and Mrs. Gerdes propose to connect the waste drain lines from the art studio to the existing septic tank-subsurface disposal system that currently serves the house.

On October 13, 1989, the Regional Board adopted a Basin Plan amendment that requires new developments for which on-site subsurface disposal system use is proposed to have a minimum of one-half acre of land per dwelling unit. The Board found that it was necessary to limit the density of new subsurface disposal systems to control the nitrate quality problems found in the groundwaters of the Region.

In adopting the minimum lot size requirements (MLSRs), the Board recognized that it was appropriate to distinguish between "existing" developments using subsurface disposal systems, (i.e., those already in place or approved at the time the MLSRs were adopted), and "new" developments. Thus, the Board specifically exempted from the one-half acre requirement existing developments where septic tank-subsurface disposal systems had been installed by September 7, 1989 or for which conditional approval (e.g. conditional use permit, or conditional approval of tentative parcel or tract map) had been obtained by that date. The one-half acre requirement applies only to "new" developments. Mr. and Mrs. Gerdes residence was constructed prior to the minimum lot size requirements. Consequently, the use of the existing septic tank-subsurface disposal system has been exempt from the minimum one-half acre requirement.

In adopting the MLSRs, the Board also recognized that there would likely be proposals for additions to existing developments that would result in increased wastewater flow. The Board's MLSRs addressed these circumstances. Additions to existing dwellings (bedrooms/baths) are exempt from the MLSRs, if the existing septic system could accommodate the resultant additional wastewater flows. However, the MLSRs state that any proposal to add any freestanding structures that would result in additional wastewater flows must be considered a "new" development, to which the minimum lot size requirement applies. The proposed garage and art studio will be a freestanding structure. As such, the project as a whole (the existing house and garage/art studio addition) must be considered a "new" development and the one-half acre minimum lot size requirement would apply. To satisfy the MLSRs, the existing house and the proposed garage/art studio would each require one half-acre minimum lot size. As Mr. and Mrs. Gerdes' lot is under one-half acre in size, staff was required to deny the request for a clearance for the project.

The intent of distinguishing between additions that are attached to existing dwellings and freestanding structures was to guard against the use of the freestanding structure as a second single-family residence on the property.

Board staff has advised Mr. and Mrs. Gerdes of another option identified in the Board's MLSR exemption criteria, which allows project proponents to implement an acceptable offset project. Mr. and Mrs. Gerdes could proceed with the proposed development if they connect another septic system (that would not otherwise be required to be connected to the sewer) to the sewer. Mr. and Mrs. Gerdes declined pursuing the offset program.

#### RECOMMENDATION:

Deny Mr. and Mrs. Gerdes request for an exemption from the minimum lot size requirements for the use of a second free standing structure (garage/art studio) utilizing a septic system.

Comments were solicited from the following agencies:

Riverside County Environmental Health – Sam Martinez  
Riverside County Environmental Health, Indio Office – Jeff Johnson/Mark Abbott  
Riverside County Building and Safety – Steve Dondalski